

ORDINANCE NO. 2015- _____

**AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL
AMENDING AND UPDATING THE SOUTH SALT LAKE MUNICIPAL CODE TITLE
2 REGARDING SICK LEAVE AND ESTABLISHING A PERSONAL LEAVE BENEFIT**

Whereas, the city council of the City of South Salt Lake in June 2014 adopted a municipal budget which removed the prior years' funding to cash out employee excess, unused sick leave;

Whereas, the mayor received a recommendation from the City's Benefits Committee regarding an alternative to the annual cash out of excess, unused sick leave;

Whereas, the City's Benefits Committee recommended to the Mayor that the City modify the sick leave benefit and annual cash out of excess, unused sick leave and adopt a personal leave benefit with a use or lose accrual provision;

Whereas, the Mayor recommended to the City Council that the City change its sick leave to a personal leave benefit; and

Whereas, the City Council intends to modify the City's sick leave benefit to a personal leave benefit.

Now, therefore, be it resolved, by the City Council of South Salt Lake that Municipal Code Title 2 be amended as set forth in the attachment.

APPROVED AND ADOPTED by the City Council of South Salt Lake, South Salt Lake, Utah, on this _____ day of February, 2015.

(signatures appear on next page)

DATED this ____ day of _____, 2015.

BY THE CITY COUNCIL:

Irvin H. Jones, Jr., Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as Recorded:

Beverly	_____
Gold	_____
Jones	_____
Rapp	_____
Rutter	_____
Snow	_____
Turner	_____

Transmitted to the Mayor's office on this ____ day of _____, 2015.

Craig D. Burton, City Recorder

MAYOR'S ACTION: _____

Dated this ____ day of _____, 2015.

Cherie Wood, Mayor

ATTEST:

Craig D. Burton, City Recorder

2.60.010 - Statement of policy.

The following principles and policies are established:

- C. Goals. The system shall provide the means to recruit, select, develop, and maintain an effective and responsive work force, and shall provide plans for employee hiring and advancement, training and career development, job classification, salary administration, vacations, ~~sick~~ personal leave, leaves of absence, retirement, fringe benefits, discipline, discharge, and other related activities.

2.60.080 - Leaves of absence.

D. ~~Sick~~ Personal Leave.

- 1. Purpose. ~~Sick leave shall not be considered as a privilege which employees may use at their discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, employee's children, employee's parents or spouse's parents, or a family member residing with the employee. Personal leave provides salary continuation in the event of illness or injury and to support employee and family needs. The personal leave benefit is structured to foster the conservation of leave for unforeseen, emergency circumstances.~~

- 2. Use of ~~Sick~~ Personal Leave. ~~Sick leave may be used at any time with approval of the department head, or designee, for any of the following reasons:~~

- a. ~~When employees are unable to perform their regular duties or other temporary work because of sickness or injury to which they may be assigned.~~
- b. ~~Visits to hospitals, clinics, doctors' and dentists' offices for diagnosis or treatment of illness or injury or examination of the employee's children or parents, or a family member residing with the employee. The minimum time that may be taken for any of these purposes is one hour.~~

Unused, accrued personal leave above forty-eight (48) hours may be used at any time with approval of the department director/chief or designee. Department directors/chiefs, at their discretion, may require the use of personal leave above forty-eight (48) hours be scheduled prior to its use.

Employee use of unused, accrued personal leave at or below forty-eight (48) hours may be used with the approval of the department director/chief or designee, for any of the following reasons: when an employee is unable to perform her/his regular duties or other temporary work because of an unforeseen personal or family emergency requiring the employee's presence away from the workplace. In such emergency circumstances, an employee (or a member of his or her immediate family if the employee is incapacitated) must notify the department director/chief, or designee, within one hour after the employee's scheduled reporting time. Department directors/chiefs may require that an employee provide documented evidence of the unforeseen and emergency nature of the event(s) requiring the employee's absence from the workplace. If requested, such documented evidence should be provided no later than five working days after the employee's return to work.

3. Eligibility. Sick Personal leave shall be available to all full-time and part-time employees who work over an average of twenty (20) hours per week, including probationary employees. Temporary/seasonal, provisional, and emergency employees are not eligible for sick personal leave.

4. Accrual. Sick Personal leave is accrued at the rate of eight hours per month or ninety-six (96) hours per year for full-time employees and a pro rata basis for part-time employees. The employee will begin to accrue sick personal leave immediately upon being hired by the city. Sick Personal leave shall not accrue if an employee is in a leave of absence without pay status. Records will be kept by the department ~~head~~ director/chief, or designee.

5. Use. Sick Personal leave shall be charged against employees in not less than a one hour minimum. Advancing unearned sick personal leave is not allowed.

6. Termination. Upon separation from employment with the city, employees will receive compensation for fifty (50) percent of sick personal leave balance, not to exceed ninety-six (96) hours.

7. Payments.

a. ~~In order to qualify for sick leave payments, employees must notify the department head, or designee, no later than one hour after normal starting time on each day of absence unless the circumstances surrounding the absence make such notification impossible. The department head, or designee, should also be kept advised of the employee's progress and expected date of return to duty.~~

- b. ~~Any absence for illness beyond accrued sick leave will result in the employee being carried on vacation leave status until all vacation leave has expired, then be carried in a leave without pay status.~~

In order to qualify for personal leave payments, employees must obtain approval of the employee's department director/chief, or designee, as set forth herein.

8. Carry Over. Any unused, accrued personal leave may be carried over to the following year up to a maximum of ninety-six (96) hours. Any unused, accrued leave in excess of ninety-six (96) hours shall be forfeited on April 1st of the calendar year in which the leave was accrued and no compensation shall be paid for such leave.

9. ~~Certification of Illness. For sick leave in excess of five consecutive working days, or if abuse of sick leave is indicated, the department head, or designee, may require a certificate from the attending physician stating that such illness prevented the employee from working.~~

10. ~~Reporting Absences. Employees will be paid only when the employee (or a member of his or her immediate family if the employee is incapacitated) notifies the department head, supervisor, or designee, within one hour after the employee's scheduled reporting time. Continued reporting for more than a one-time absence will be accomplished as directed by the department head, or designee.~~

11. ~~Cash-Out. Any unused sick leave may be carried over to the following year up to a maximum of ninety-six (96) hours. Sick leave in excess of ninety-six (96) hours will be cashed out as follows:~~

~~All employees shall be paid annually, on or before February 15th, an amount based on the schedule below:~~

0—24	50
25—40	40
41—56	30

57—72	20
over 72	<u>10</u>
Number of Sick Leave Hours Used During the Calendar Year	Percent Payout of Remaining Sick Leave Ho

~~12.~~

9. Sick Leave Bank. Employees who have utilized all accumulated vacation and personal leave may be awarded additional leave in instances of serious personal illness or injury.

a. The human resource department shall establish a citywide sick leave bank program. ~~Donations of sick leave will not be accepted.~~ Donations of vacation and personal leave will be accepted as follows:

- i. Donations will be on a voluntary basis.
- ii. Donations will be accepted at any time, ~~during the months of June and December only, except as specified in subparagraph v of this subsection.~~
- iii. Employees must have a combination of at least ninety-six (96) ~~eighty-eight (88)~~ hours of vacation leave time and ~~sick~~ personal leave time left after any donations are made.
- iv. Leave will be donated and awarded on an hourly basis.
- ~~v. Donations will be accepted on an as-needed basis if the reserve in the sick leave bank will not cover a needed award.~~

b. The sick leave bank may be used by any city employee for personal catastrophic illness or non-job related injury of an acute nature.

- i. The sick leave bank shall not be used for dependent care.
- ii. The sick leave bank shall not award any ~~sick~~ leave in excess of the balance in reserve.

- c. Employee requesting leave from the sick leave bank must complete a sick leave bank request form and submit it to the department head.
 - i. Sick leave bank request forms shall be submitted within ~~fifteen (15) days~~ five (5) days, except under exigent circumstances, of the date when the employee could reasonably be presumed to have had knowledge of the need for additional sick leave.
 - ii. The department head shall be responsible for submitting request forms to the sick leave bank committee and human resources within five (5) calendar days from receipt.
 - iii. Sick leave bank request forms may be submitted by the petitioning employee, a member of the petitioner's immediate family, or by the employee's immediate supervisor.
 - iv. ~~The sick leave bank committee will make award decisions at the next regularly scheduled employee quality committee meeting.~~
- d. Employees shall not be eligible to use the sick leave bank unless they have exhausted their own vacation and sick personal leave, and any accrued comp time. Employees will continue to accrue all benefits while on leave.
- e. Sick leave awards shall be approved by the sick leave bank committee.
 - i. The sick leave bank committee shall be made up of the persons serving on the ~~employee quality~~ benefits committee.
 - ii. Leave awards shall be given on an individual circumstance basis, with as much leave to be awarded as deemed necessary by the sick leave bank committee. The mayor may adopt reasonable requirements, by policy, to govern the award of leave by the sick leave bank committee.
 - iii. The department ~~head~~ director/chief that submitted the request for leave will be consulted regarding the employee during the award determination process. Information that could be considered by the sick leave bank committee may include the employee's prior management of vacation and personal leave and any other relevant information.
 - iv. A majority vote by a quorum of the sick leave bank committee will determine awards.
- f. Donated hours are not tax deductible.

- g. Sick leave bank committee decisions and awards are not grievable.

E. Maternity Leave.

1. Employees who become pregnant may continue working until such time as they can no longer satisfactorily perform their duties, at which time they may file a claim with the city's disability plan.
2. For other benefits, refer to Family and Medical Leave Act section in the personnel manual. Regulations governing ~~sick~~ personal leave, annual leave, and leave-without-pay will apply. During leave-without-pay in excess of thirty (30) calendar days, vacation leave, ~~sick~~ personal leave, or time toward annual performance evaluation shall not accrue.

F. Workers Compensation Leave. Employees injured on the job, however slightly, must report the fact immediately to their supervisor and the human resource department. It shall be the duty of the injured employee's supervisor to obtain information regarding the accident or injury and to complete such reports as are required. Employee becomes eligible for worker's compensation and they shall be paid that compensation as provided by law. However, when an employee on worker's compensation whose compensation payments reach the statutory cap, the city will pay to that employee the difference between the statutory cap and the figure representing sixty-six and two thirds ($66 \frac{2}{3}$) percent of said employee's actual salary. Unused ~~sick~~ personal leave or vacation leave may be granted in accordance with applicable rules and regulations.

G. Emergency Leave. The mayor, or designee, may allow a regular or probationary employee reasonable time off, not to exceed five working days with pay, in case of an emergency. The mayor shall have the authority to grant longer leaves in unusual circumstances in which an emergency exists. During an emergency leave period in excess of thirty (30) calendar days, vacation leave, ~~sick~~ personal leave, or time toward yearly evaluation shall not accrue.